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SIPDIS

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TAGS: [PTER](#) [KCRM](#) [PGOV](#) [PREL](#) [CA](#)

SUBJECT: NOT GUILTY: CANADA'S AIR INDIA BOMBING VERDICT

[11](#). Summary: A British Columbia provincial court acquitted on March 16, terrorism suspects, Ajaib Singh Bagri and Ripudaman Singh Malik of conspiracy and murder charges resulting from their alleged role in the bombing of two Air India planes in 1985. The case is the largest incident of mass murder in Canadian history and the worst air-terrorism act before or since 9/11. The presiding judge listed witness credibility as the primary reason for the acquittal. Despite this, the verdict came as a shock to the victim's families, investigators and the prosecution. End Summary.

[12](#). British Columbia provincial court judge, Justice Ian Bruce Josephson found Air India bombing suspects, Ajaib Singh Bagri and Ripudaman Singh Malik not guilty of all charges on March 16. Authorities charged the pair with conspiracy and murder offences in October 2000 for their alleged role in the June 23, 1985 bombings. In his 500-plus-page decision, the judge noted witness credibility problems led to his determination. Josephson found the prosecution's star witness, a woman to whom Malik allegedly confessed, suffered from memory loss under cross-examination. Josephson was disturbed by the fact that she repeatedly professed love for Mr. Malik during the actual trial. Justice Josephson also noted his concern that the prosecution used an FBI informant, whom the Royal Canadian Mounted Police paid to testify as an integral part of their case.

[13](#). In a media appearance two hours after the verdict was announced, Deputy Prime Minister Anne McClellan said it was the responsibility of British Columbia authorities to examine the decision and decide whether or not to appeal. She noted the Department of Public Safety would review the decision thoroughly. McClellan said the Government of Canada does not believe a public inquiry is necessary, despite calls for one by victims' families and others. She noted that significant counter-terrorism, prevention, and investigation process changes to CSIS and RCMP have been undertaken both since 9/11 and as a result of the Air India attack. Note: Many victims' family members are speaking to media, indicating their shock and disappointment in the Canadian justice system. They are asking for a public inquiry into the investigation and prosecution. For instance, Susheel Gupta, an Ottawa-area lawyer whose mother was killed in the Air India attack is demanding a public inquiry, saying that "Canadians deserve that, the victims deserve that There was obviously a failure in all the agencies that were supposed to protect us."

[14](#). COMMENT AND BACKGROUND: Of the two suspects, Ripudaman Singh Malik, 58, stood accused of financing the bombings. He immigrated to Canada in 1972 and created a successful business empire including Sikh private schools. Ajaib Singh Bagri, 55, was a very outspoken supporter of Sikh separatism. He immigrated to Canada in 1971 and became an outspoken lay-preacher for the small Sikh community in Kamloops, British Columbia. Both were charged with; conspiracy to commit murder, attempted murder, murder, conspiring to place bombs on an aircraft, and causing a bomb to be placed on an aircraft. Another suspect, Inderjit Singh Reyat was convicted of building the bomb that went off in Japan in 1991. He later pleaded guilty to building the bomb that was placed on Flight 182. He was not called as a witness. Various key witnesses were not available for the trial. For instance, Tara Singh Hayer was assassinated in [1998](#). Hardial Singh Johal died of natural causes. Following interrogation and torture, Talwinder Singh Parmar died in custody in India in 1992. Other witnesses have been intimidated, including the woman who professed her love for Malik while testifying against him. She was placed under witness protection. Prosecutors also suspect the woman who spoke to CSIS, but changed her story at trial was also intimidated. Other witnesses have been victims of vandalism and threats but related charges have not been laid. A warehouse own by Malik himself was vandalized on March 17.

[15](#). Comment: Media attention being directed toward this verdict is focusing on the time and money spent on the investigation and trail, and demands for a public inquiry. Post anticipates the GOC will face mounting pressure of a public inquiry in the coming months. End Comment.

DICKSON